

REGULAR CITY COUNCIL MEETING
AUGUST 24, 1992

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member

ABSENT

Rex Harris	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Public Works Director	Neil Forster
Bryce Ashby	Fire Chief
Deb Greathouse	Librarian
Carol Howell	City Secretary
Virginia Taylor	Deputy Recorder
Dr. & Mrs. H. Nielsen	Millard Animal Hospital
Mickey Brown	Millard Animal Hospital
Kate Hellenbrand	Chronicle/Progress
Gregory Schafer	City Finance Officer

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Droubay offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Special City Council Meeting held August 5, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the

motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held August 10, 1992, were presented for consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Robert Dekker MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Robert Dekker MOVED that the accounts payable be approved for payment as listed in the amount of \$56,612.99. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

MAYOR DON DAFOE: TELEPHONE SYSTEM FOR CITY OFFICE

Mayor Dafoe explained that the telephone system in the City Office is not functioning properly and needs to be replaced. He said that he has obtained two proposals for a new system; one from GTE for a Norstar System in the amount of \$9,101.64, and one from AT&T for a Partner + System in the amount of \$9,083. He explained that a telephone system was not budgeted for in the FY 1992-1993 Budget; however, money is available in the Sewer Reserve Fund and could be used for a new system.

Discussion was held regarding the payment of the system with Sewer Fund monies and the City Council agreed that if funds are available at the end of FY 1992-1993, the loan will be repaid.

The telephone system will be expanded to include phones in the Justice Court Office and the Library for a total of 24 phone stations. Nine phones will also be installed in the Sheriff's Department and will be paid for by the Sheriff's Office in the amount of approximately \$3,000.

Mayor Dafoe explained that because of his employment with AT&T he felt that the City Council should make the decision as to which proposal the City should consider.

Following discussion, Council Member Robert Droubay MOVED to authorize Mayor Dafoe to purchase a Norstar Telephone System from

GTE in the amount of \$9,101.64 with money borrowed from the Sewer Fund with the option of repayment at the end of FY 1992-1993, also with the understanding that the Sheriff's Office will pay approximately \$3,000 of the total cost of a new system. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: SPECIFICATIONS FOR 15' DUMP BOX, 12' SNOW PLOW AND 14' SALT AND SAND SPREADER

Mayor Dafoe asked Public Works Director Neil Forster to present specifications for new equipment to be used in the Public Works Department.

Public Works Director Neil Forster presented specifications for a new 12-Foot Reversible Snow Plow to be mounted on a large truck 54,000 GVW, a new 14-Foot Salt and Sand Spreader and a new 15-Foot Dump Box.

Following brief discussion, Council Member Robert Dekker MOVED to authorize Public Works Director Neil Forster to advertise for bid a 12-Foot Reversible Snow Plow, 14-Foot Salt and Sand Spreader and a 15-Foot Dump Box as specified. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: FY 1991-1992 AMENDED BUDGET

The Amended Budget for FY 1991-1992 was not presented for consideration; therefore, Council Member Robert Dekker MOVED to table discussion of this item. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: RESOLUTION ADOPTING PAGER COMPENSATION

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed resolution adopting pager compensation.

Attorney Waddingham presented and reviewed a proposed resolution entitled:

RESOLUTION NO. 92-213

A RESOLUTION AMENDING SECTION 13 OF THE DELTA CITY PERSONNEL POLICY MANUAL BY ADOPTING A NEW SECTION (SECTION I) ENTITLED "ON-CALL"

COMPENSATION" TO COMPENSATE DELTA CITY
PERSONNEL REQUIRED TO BE "ON-CALL" AFTER
REGULAR WORK HOURS.

Attorney Waddingham explained that Public Works Department employees are required to carry pagers after regular work hours to be "on-call" in the event of an emergency within that department. This resolution allows compensation to those employees for time spent "on-call" after working a regular work day consisting of an eight (8) hour day. He further explained that the compensation for "on-call" shall be additional compensation for those employees requested to carry pagers after a regular work day consisting of an eight hour day and shall not be classified as "overtime compensation".

Attorney Waddingham then explained that the Code of Federal Regulations, Section 785.17 entitled "On Call Time" states:

"An employee who is required to remain on-call on the employer's premises or so close there to that he cannot use his time effectively for his own purpose is working while on call. An employee who is not required to remain on the employer's premises but is merely required to leave word at his home or with company officials where he may be reached, is not working while on call."

Attorney Waddingham explained that Section 499 of the Fair Labor Standards Act indicates that "paggers" resolve the problem of "on-call" so overtime compensation is not required. He said that it is his understanding that Delta City personnel are not required to be on the premises and that, furthermore, that same person can use the time for his/her own purpose. If an "On-Call" employee is called out in an emergency, the actual time spent working is subject to overtime compensation under Federal Law. It is Mr. Waddingham's opinion that Federal Law overtime payments will not affect Delta City by instituting this resolution.

Following discussion, Council Member Robert Droubay MOVED to adopt Resolution 92-213 as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Absent
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Absent

Mayor Dafoe then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

ATTORNEY RICHARD WADDINGHAM: ANIMAL CONTROL CONTRACT BETWEEN DELTA CITY AND DR. H. NIELSEN, MILLARD ANIMAL HOSPITAL

Mayor Dafoe asked Attorney Richard Waddingham to present an Animal Control Contract between Delta City and Dr. H. Nielsen, Millard Animal Hospital.

Attorney Waddingham presented and reviewed a proposed Animal Control Services Agreement between Dr. H. W. Nielsen and Delta City.

Attorney Waddingham said that the proposed agreement is the same as has been in the past; however, the term of the agreement is retroactive July 1, 1992, and shall renew automatically on the first day of July of each year thereafter without further action of the parties and shall continue in effect from year to year until such time as either party may choose to terminate this agreement.

Dr. Nielsen then addressed the Council to discuss his concerns regarding Delta City's animal control procedures. He said that from January to the end of August 109 dogs were euthanized in his clinic. Dr. Nielsen then made the following recommendations:

1. Organization sponsored Spay/Neuter Clinic be held twice a year. A fee of \$40 is required for a clinic fee; however, a fee in excess of that amount could be charged and used within the sponsoring organization.
2. Enforce Delta City's Animal Control ordinance. Hold rabies clinics once or twice a year and require proof of rabies vaccination before a dog license is issued.
3. Advertise through local media for a number of days the dogs that have been impounded to allow for owners to get them before they are euthanized.

Dr. Nielsen encouraged the City Council to enforce their Animal Control Ordinance to the extent that it will pay for itself and not be a burden to the City.

Following discussion, Council Member Alan Burraston MOVED to adopt an Animal Control Services Agreement between Dr. H. W. Nielsen and Delta City. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe and Dr. H. W. Nielsen then signed the contract and it was attested by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: APPOINTMENT OF ALTERNATE MILLARD COUNTY FIRE SERVICE DISTRICT REPRESENTATIVE

Mayor Don Dafoe explained that an alternate Millard County Fire Service District representative needs to be appointed to attend meetings and vote when the regular representative is unable to attend. He recommended that Fire Chief Bryce Ashby be appointed as the alternate representative.

Following brief discussion, Council Member Robert Droubay MOVED to appoint Fire Chief Bryce Ashby as Delta City's alternate representative on the Millard County Fire Service District Board. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER REX HARRIS: CITY OFFICE WORK HOURS

In view of Council Member Rex Harris' absence, Mayor Dafoe explained that prior to 1984, the City Office work hours were set at 9:00 a.m. to 5:00 p.m. making a 35 hour work week for the office staff. The Public Works Department works from 8:00 p.m. to 5:00 p.m., which is a 40 hour work week. Complaints have been received from the Public Works Department requesting uniformity in work hours among the Delta City employees; therefore, it has been recommended that the City Office staff start working a 40 hour week.

Librarian Deb Greathouse addressed the City Council and asked why after 11 years are the working hours being changed. She said that she, along with other employees, was hired from 9:00 a.m. to 5:00 p.m. at a certain rate of pay, and she felt that being required to work one more hour per day would be a cut in pay.

Council Member Robert Droubay explained that Jim Snow, Snow & Snow, has stressed the need for additional help within the City Office in order to accomplish all the work that is necessary. Mr. Droubay said that Mr. Harris has suggested that, rather than hire additional help, the present employees should be required to work a 40-hour week.

Attorney Waddingham recommended that all City employees should be treated equally and should be required to work the same amount of hours.

Council Member Gayle Bunker attended the meeting at this time.


OTHER BUSINESS

Brief discussion was held regarding the status of the street on 150 East from Main Street to 100 North.

Public Works Director said that Delta City's 580K Backhoe has approximately 400 hours on it, and he requested authorization to trade-in Delta City's 580K Backhoe for a new model. He said that Delta City would be required to pay \$7,500, which is much more than has been paid in the past. Mr. Forster was asked to obtain more information for the next Regular City Council Meeting.

Council Member Robert Dekker informed the City Council that he has been invited to attend the FBI Academy from January through March 1993. He requested the Mayor and City Council's support in this endeavor. Mayor Dafoe and City Council Members offered their support to Mr. Dekker. Council Member Dekker further advised the City Council that he would provide the Mayor with a telephone number and make himself available for conference calls to discuss and vote on issues pending before the City Council.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Droubay MOVED to adjourn. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:20 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 10-26-92